

ATTN: Tina Graft

CUSTOMER ACCIDENT WORKSHEET

KFI-FL-240852

Store # 7333

Name of employee making report Dan Griffith

City Tampa

State FL

Incident date 6/25

Incident time 9:40 pm

Customer's name Charles Pozek

Customer's age 69

Customer's address 2222 Colwell Ave. Apt. # 707

City Tampa

State FL

Customer's phone (813) 937-4581

Customer's soc sec # 345-20-5383 Zip 33614

Customer's Employer Activator

Customer's description of incident Sat in chair and chair broke feet

Incident codes (see list of codes on reverse) Incident Type 50 Incident Location 00 Mechanism 05

Description of injury, if any back seat surgery - Chest & Back

Employee who first received notice of incident:

Name Mary

Address

Employees who witnessed incident:

Name

Address

Name

Address

Employees who did not witness but arrived after:

Name Dan Griffith

Address

Name

Address

#401 operations mgr. 7333

Nonemployees who either witnessed or arrived after:

Name Mary Pozek

Address

Same as customer

Name

Address

Employee who inspected scene after incident:

Name Dan Griffith

Address

7333

What inspection showed Broken Chair

Time of inspection after incident 9:45

Time of last inspection prior to incident

Name of employee last inspecting Dan Griffith

Weather conditions if applicable Raining

If involved:

•mats, cones in place (if applicable)? (Y/N) •foreign substance/spill: size/shape

source

•fixture/car/other object involved, describe

•merchandise (displayed or sold): Kmart Item (MOPS) # 2213401110 UPC# 0167160001024

Selling price \$ 249.00

Product name

Cables Collection

Manufacturer Campbell International

Date of purchase

Defect claim (if any)

•contractor working on premises:

Contractor name

Name of contractor's employee involved

•pharmacy operations:

Name of pharmacist

Rx number

Date Rx received

Date Rx filled

Rx as written

Rx as filled

Prescribing physician

•auto service operations:

Name of mechanic involved

Name of auto service manager

Service invoice number

Invoice date

Nature of problem

AFTER COMPLETING FORM CALL 1-800-594-4437 TO REPORT ACCIDENT.

DISCARD COMPLETED WORKSHEET AND KEEP WITNESS STATEMENTS ON FILE AT STORE.

273

Adjuster: MP

CUSTOMER ACCIDENT WORKSHEET

06/26/97 KF1-97-FL-260852

Store # 7333City: TAMPAState: FL KF1260852Name of employee making report: DON GRIFFITHIncident date 06/25/97Incident time 21:40Customer's name POZECK, CHARLESCustomer's DOB: 11-1/69Customer's address 3202 COLWELL AVE #707

TAMPA, FL 33614

Customer's phone 813-931-4581Customer's soc sec # 345-20-5383

Customer's employer

Customer's description of incident:

INJURY/DAMAGE DUE TO PRODUCT:PTD. CLMT SAT IN ONE OF INSURED'S CHAIRS AND THE CHAIR COLLAPSED AND HE FELL BACKWARDS.

INJURYCHEST & BACK HURT

CLMT JUST HAD HEART SURGERY BUT STATED THAT HE DIDN'T FEEL ANY TYPE OF INJURY

Incident codes: Incident Type

21 Incident Location60 Mechanism 5

Employee who first received notice of incident:

Name MISTY SMTIH

Address

MARY POZECK - WIFE OF CLMT
813-931-4581

What inspection showed DON GRIFFITH: CHAIR COLLAPSED/WELD COULD HAVE BROKEN ON IT.

Weather conditions if applicable:

If involved:

-mats, cones in place (if applicable)? (Y/N) -foreign substance/spill: size/shape

source: _____

-fixure/cart/other object involved, describe

-merchandise: Kmart Item #: 02134011

UPC#: 018866001024

Selling price: \$

Product name: IRON ROCKERManufacturer: COMPEX INTERNATIONAL

Date of purchase:

Defect claimed(if any):

274

Adjuster: MP**CUSTOMER ACCIDENT WORKSHEET**

07/01/97 KF1-97-GA-261498

Store # 7434City: DULUTHState: GAKF1261498Name of employee making report: BRYAN HEIDISHIncident date 06/28/97Incident time 20:00Customer's name KING, CHARLIECustomer's DOB: 11/11/58Customer's address 2129 SHADY LANETUCKER, GA 30084Customer's phone 770-938-0809

Customer's soc sec #

Customer's employer LEGGETT AND PLATT MASTER TRACK**Customer's description of incident:**FALL: CUSTOMER SAT IN A WROUGHT IRON ROCKING CHAIR AND THE BACK SEPERATED
FROM THE CHAIR AND THE CUSTOMER FELL OUT OF THE CHAIR. (AMF)

INJURY SORENESS AND CONTUSION TO LOWER BACK AND PELVIC AREA.

NO PINK SLIP WAS ISSUED

Incident codes: Incident Type

1 Incident Location60 Mechanism 5

Employee who first received notice of incident:

Name SAME

Address

KAREN KRUGER-ASSOCIATE

KYLE JOHNSON-ASSOCIATE

770-923-9570

What inspection showed BRYAN HEIDISH/ SCREWS CAME LOSE FROM BACK OF CHAIR.

Weather conditions if applicable:

If involved:

-mats, cones in place (if applicable)? (Y/N) -foreign substance/spill: size/shape

source: _____

-fixure/cart/other object involved, describe

-merchandise: Kmart item #:

UPC#:

Selling price: \$

Product name:

Manufacturer:

Date of purchase:

Defect claimed(if any):

Chances are very great that
this is a new chair. etc.

275

CUSTOMER ACCIDENT WORKSHEET

AMY

Store # 7434
 Name of employee making report Bryan Heinish
 Customer's name CHARLIE P. KING
 Customer's address 2129 SHADY LN.
 Customer's phone (770) 938-0809
 Customer's Employer LEGGETT & PLATT MASTERACK
 City DILLUTH State GA
 Incident date 6/28/97 Incident time 2:00
 City TUCKER State GA
 Customer's age 58
 Customer's soc sec # Zip 30084

Customer's description of incident SAT IN WROUGHT ROCKING CHAIR - ATTEMPTED TO ROCK & BACK SEPERATED FROM SEAT & BACK W/ CUSTOMER FELL TO FLOOR.
 Incident codes (see list of codes on reverse) Incident Type 2 Incident Location 1 Mechanism 05
 Description of injury, if any EXPERIENCE SORENESS / BRUISE TO / AT LOWER SPINE / POINTE AREA.

Employee who first received notice of incident:
 Name Maren Kruger Address 1650 Fallington Ln.

Employees who witnessed incident:
 Name Address
 Name Address

Employees who did not witness but arrived after:
 Name Address
 Name Address

Nonemployees who either witnessed or arrived after:
 Name Address
 Name Address

Employee who inspected scene after incident:
 Name Bryan Heinish Address

What inspection showed chair seat was separated from back.

Time of inspection after incident 2:15 Time of last inspection prior to incident 1:30

Name of employee last inspecting Ashley Johnson

Weather conditions if applicable Inside store (clear)

If involved:
 • mats, cones in place (if applicable)? (Y/N) • foreign substance/spill: size/shape source
 • fixture/cart/other object involved, describe
 • merchandise (displayed or sold): Kmart item (MOPS) UPC# 0188400010724
 Selling price \$ 24.99 → 74.99 Product name Rocking chair, 1 pc set
 Manufacturer Ward
 Date of purchase Defect claim (if any)
 • contractor working on premises: Contractor name
 Name of contractor's employee involved
 • pharmacy operations: Name of pharmacist
 Rx number Date Rx received Date Rx filled
 Rx as written
 Rx as filled
 Prescribing physician
 • auto service operations: Name of mechanic involved
 Name of auto service manager
 Service invoice number Invoice date
 Nature of problem

AFTER COMPLETING FORM CALL 1-800-524-4437 TO REPORT ACCIDENT. 1-888-673-4437
 DISCARD COMPLETED WORKSHEET AND KEEP WITNESS STATEMENTS ON FILE AT STORE.

Adjuster: MP

CUSTOMER ACCIDENT WORKSHEET

07/02/97 KF1-97-GA-261761

Store # 7434City: DULUTHState: GA KF1261761Name of employee making report: VINCE SKELLEYIncident date 07/01/97Incident time 20:35Customer's name HAWKINS, MICHAELCustomer's DOB: 11/11/30Customer's address 545 FLINTLOCK DRIVEDACULA, GA 30211Customer's phone 770-237-9245Customer's soc sec # 252-21-1011Customer's employer RICHLAND EQUIPMENT

Customer's description of incident:

FALL: CUSTOMER SAT IN A WROUGHT IRON CHAIR AND THE BACK BROKE AND HE FELL
AND IN THE PROCESS OF FALLING HE HIT HIS HEAD ON ANOTHER CHAIR. (AMF)

--INJURY-- LUMP ON HEAD

NO PINK SLIP WAS ISSUED

Incident codes: Incident Type

1 Incident Location1 Mechanism 5

Employee who first received notice of incident:

Name KYLE JOHNSON

Address

DENA HAWKINS- WIFE770-237-9245What inspection showed VINCE SKELLEY/ SCREWS WERE MISSING IN THE CHAIR

Weather conditions if applicable:

If involved:

-mats, cones in place (if applicable)? (Y/N) -foreign substance/spill: size/shape

source: _____

-fixture/cart/other object involved, describe

-merchandise: Kmart item #:

UPC#:

Selling price: \$

Product name:

Manufacturer:

Date of purchase:

Defect claimed(if any):

*This Claim undoubtedly is a
Complex. Store investigation has
not been done yet.*

277

CUSTOMER ACCIDENT WORKSHEET

Store # 7434 City Duluth State GA 20
 Name of employee making report Vincent Skeller Incident date 7/1/97 Incident time 8:35pm
 Customer's name Michael Hawkins Customer's age 30
 Customer's address 545 Flint Rock Dr. City Dacula State GA 30211
 Customer's phone (770) 237-9245 Customer's soc sec # 252-21-1011 Zip 30012
 Customer's Employer Richland Fg.

Claim # KFI-261-761

Customer's description of incident Sat down in wrought iron chair and chair fell apart. Hit head on another chair.

Incident codes (see list of codes on reverse) Incident Type 01 Incident Location 01 Mechanism 03

Description of injury, if any Lump on Head, Headache

Employee who first received notice of incident:

Name Kyle Johnson

Address K-MART 7434

Employees who witnessed incident:

Name

Address

Name

Address

Employees who did not witness but arrived after:

Name Kyle Johnson

Address K-MART 7434

Name Vincent Skeller

Address K-MART 7434

Nonemployees who either witnessed or arrived after:

Name Dena Hawkins

Address Same as Victim

Name

Address

Employee who inspected scene after incident:

Name Vincent Skeller

Address Store 7434

What inspection showed Wrought Iron chair was missing screws

Time of inspection after incident 8:45

Time of last inspection prior to incident ---

Name of employee last inspecting

Weather conditions if applicable N/A

If involved:

*mats, cones in place (if applicable)? --- (Y/N) *foreign substance/spill: size/shape --- source ---

*fixture/cart/other object involved, describe wrought iron chair Tables collection

*merchandise (displayed or sold): Kmart item (MOPS)# ---

UPC#

Selling price \$

Product name

Manufacturer

Date of purchase

Defect claim (if any)

*contractor working on premises: Contractor name

Name of contractor's employee involved

*pharmacy operations:

Name of pharmacist

Rx number

Date Rx received

Date Rx filled ---

Rx as written

Rx as filled

Prescribing physician

*auto service operations:

Name of mechanic involved

Name of auto service manager

Service invoice number

Invoice date

Nature of problem

AFTER COMPLETING FORM CALL 1-800-594-4437 TO REPORT ACCIDENT. 888 873 7437
 DISCARD COMPLETED WORKSHEET AND KEEP WITNESS STATEMENTS ON FILE AT STORE.

278

MESSAGE ID: 9714302781	TIME INSERTED: 00000000	TIME PRINTED: 2:30 PM
LOGON ID: 1C2E7	DATE INSERTED: 00000	DATE PRINTED: 97143

KEYED BY ----LAURA 35572
AUTHOR ----CJHAINES
CREATE DATE --05/23/97
TRANS DATE --05/23/97
TOPIC -----GABLES CHAIR
SEND TO DEPT -000
COPIES -----0001

MESSAGE DESTINATIONS:

STORE TYPE(S)	-----
ALL KMARTS - DISCOUNT STORES & SUPERK'S	
ALL KMART REGIONAL MANAGERS HOME STORES	
ALL KMART DISTRICT MANAGERS HOME STORES	
ALL HARDLINES/SOFTLINES MERCH MGR STORES	

TRAIL LINES:

WHY SHOULD
WE ALL THIS
MESSAGE

STORE MANAGEMENT TEAM

FROM **STORE OPERATIONS SUPPORT**

SUBJECT

GABLES COLLECTION CHAIRS, KMAAT CODE 21-34-59, UPC 0-18866-00102-4 (FOR ENTIRE 5-PIECE PATIO SET)

INFORMATION

URGENT - URGENT - URGENT - URGENT - URGENT - URGENT - URGENT - URGENT - URGENT

ALL STORES MUST IMMEDIATELY INSPECT ALL DISPLAY CHAIRS IN THE GABLES COLLECTION, UPC # 0-18866-00102-4, KWART COLLECTION 21-34-59.

ACTION REQUIRED STORES MUST DETERMINE WHETHER THESE CHAIRS ARE PROPERLY ASSEMBLED ON THE SALESFLOOR TO AVOID CUSTOMER ACCIDENTS. IF THE CHAIRS ARE IMPROPERLY ASSEMBLED, THE SEAT OF THE CHAIRS WILL SEPARATE FROM THE BASE AND THE CHAIR MAY COLLAPSE.

THESE ARE THE STEPS YOU MUST TAKE:

EQUIPMENT NEEDED: 1. WORK GLOVES

2. SAFETY GOGGLES
3. 5/32" HEX OR ALLEN WRENCH
4. WHITE OUT OR BRIGHT COLOR MARKER

STEP 1 - INSPECT THE AREAS UNDERNEATH THE SEAT WHERE THE SEAT AND BASE OF THE CHAIR IS CONNECTED.

A) WEAR SAFETY GOGGLES AND WORK GLOVES

FILE COPY

279



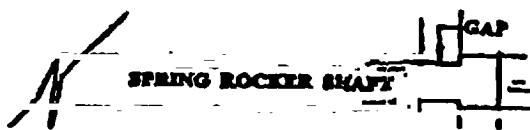
WARNING

**IMPROPER CHAIR ASSEMBLY COULD RESULT IN SERIOUS INJURY.
READ ASSEMBLY INSTRUCTIONS & THE FOLLOWING CAREFULLY**

Before assembling, note gap (narrower) section in rocker spring shaft, 3/8 inch from end. (Fig.1)

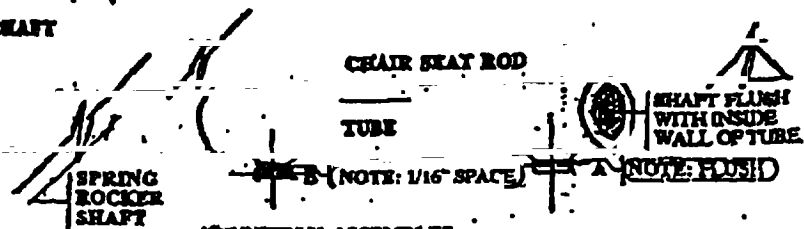
1. Insert rocker spring shaft into 'tube' on bottom edge of chair seat. Bolt hole near partially closed end of 'tube' must be lined up with gap in rocker spring shaft.
2. Insert all four bolts and fully tighten. CHECK CAREFULLY FOR PROPER ASSEMBLY, SEE 3 & 4 BELOW.
3. If assembled properly (Fig. 2)
 - A. Bolt (A) nearest partially closed end of tube will be flush with raised weld at bolt hole, AND
 - B. Bolt (B) near shaft entry opening of 'tube' will not be flush, it will have an approximately 1/16 inch space, AND
 - C. End of rocker spring shaft will be flush with inside wall of partially closed end of 'tube'.
4. If assembled improperly

A space will exist between tightened bolt head (A) and raised weld near closed end of 'tube', AND shaft end will not be flush with inside wall at closed end of 'tube'. Loosen both bolts and use rubber mallet to drive rocker spring shaft further into tube. Fully tighten bolts again, and check that bolt nearest partially closed end of 'tube' is flush, continue process until all bolts are inserted and tightened properly. In event a flush condition on Bolt A cannot be achieved, call 1-800-288-0918



GABLES SPRING ROCKER SHAFT

FIG. 1



PROPERLY ASSEMBLED TO GABLES SPRING ROCKER SHAFT, TUBE & CHAIR SEAT

FIG. 2

NOT TO SCALE

281

E

282

PRODUCT DESCRIPTION: SPRING ROCKER CHAIR

QUALITY CONTROL #:

MANUFACTURER:

GABLES

KM CODE:

213401-110

UPC CODE:

TEST DATE:

22 MAY 97

Six spring rocker chair samples were brought in for evaluation due to a complaint/incident issue. It is alleged that the chairs have been disassembling/falling apart when sat upon by the customers.

The Quality assurance department is still in the process of obtaining the complaint samples/chairs.

Four chairs have been sent to MTL USA for performance testing and two chairs were visually inspected in the Kmart lab.

The chairs must be assembled before use. This process must be done with great precision. The chairs are packaged in a carton unassembled. The chairs come in two parts, a base(spring/leg part) and a seat. The seat has two hollow tubes located at the bottom of left and right side of the seat. The tubes have two threaded holes (w/ nuts welded) running along the length of the tube which are located towards the front and rear ends. The base or leg part has a spring with a protruding shaft. The shaft has a recessed area or gap which is about 1/2" from its end. In order to assemble the chair, the shafts must be inserted into the hollow tubes, the recessed/gap area must be aligned against the threaded holes at the rear and two bolt must be precisely tightened in place. Two additional bolts towards the front are then tightened. Aligning the holes to the gap was difficult because the gap on the shaft could not be easily seen though the threaded holes on the tube. The recessed/gap area on the shaft has no color contrast to assist the assembler in the aligning process. Proper alignment may be uncertain and thus proper assembly is questionable.

It is perceived that the chair is not being assembled properly due to the reasons stated above. Further investigation is in progress on the performance of the chair.

Romel Macaspac
Quality Assurance
74337

283

JUN- 6-97 FRI 10:35

COMPEX/DELMAR

FAX NO. 17145354409

P.02

Jun-06-97 12:32P Christensen

8154553270

P.02

WAYNE C. CHRISTENSEN, CSP
CERTIFIED SAFETY PROFESSIONAL
ACCIDENT PREVENTION CONSULTANT

June 6, 1997

Mr. Jim Olivere
Vice President
Delmar Designs
1105 E. Discovery Lane
Anaheim, CA 92801

Subject: Resume

Dear Jim,

Attached in accordance with your request is a copy of my accomplishments, education, and experience.

Two areas need elaboration:

- * Owens Corning experience included a one year as co-chair of a study of product safety and liability and recommendation of a program. Upon adoption of the program, participation as a member of the corporate Product Safety Committee.
- * Served on numerous ASTM Standards Committees, including Committee F15 Consumer Products service from the mid 1970's to present, holding committee office for about the first 10 years.

Yours in Safety,

Wayne C. Christensen
Wayne C. Christensen

284

FAX # 815-455-3270

P.O. BOX 303 • CRYSTAL LAKE, IL 60039-0303 • PHONE (815) 455-7328

Wayne C. Christensen CSP, PE
P.O. Box 303
Crystal Lake, IL 60039-0303
(815) 455-7328 xFAX 455-3270

Enhance safety and well-being of workers through accident prevention programs, safety through design, emergency planning, incident investigation, training, and regulatory compliance.

ACCOMPLISHMENTS

ACCIDENT PREVENTION

Established plant and corporate programs to reduce workplace incidents.

FIRE & EMERGENCY PLANNING

Managed fire protection programs and developed comprehensive easily implemented emergency plans.

MANAGEMENT

Corporate Safety Director - Fortune 200 company.
Executive Director - ASSE.

EDUCATION & TRAINING

Developed and facilitated safety courses and conferences for industry, ASSE, and NSC.

FIRE FIGHTING

Chief - full time paid Fire Department.

STANDARDS

Served on numerous ASTM, ANSI & UL Committees.

EDUCATION

Illinois Institute of Technology BS
Major: Fire Protection & Safety Engineering

PROFESSIONAL LICENSING

C.S.P. - Certified Safety Professional #1241
P.E. - Safety Engineering - CA #1634

EXPERIENCE

1991 to Present Consultant (self-employed)
CONSULTANT ACCIDENT PREVENTION
* CONSULTANT - Injury prevention programs and OSHA reviews.
* PROJECT MANAGER - Institute for Safety Through Design (National Safety Council - NSC)
* INSTRUCTOR NSC Safety Training Institute - Facilitate basic and advanced safety courses.

285

Wayne C. Christensen CSP, PE

Page 2

- 1989 to 1990 Owens-Corning Fiberglas Corp., Toledo, OH
Senior Consultant - Safety
Chief Consultant on safe work environments.
- 1978 to 1989 Owens-Corning Fiberglas Corp., Toledo, OH
Director - Corporate Safety
Established accident prevention programs for
diversified corporation.
- 1971 to 1978 American Society of Safety Engrs., Park Ridge, IL
Executive Director
Chief Officer individual member association.
- 1967 to 1971 American Society of Safety Engrs., Park Ridge, IL
Manager - Technical Services
Developed conferences, courses and publications.
- 1965 to 1967 General Electric Company, NASA, Bay St. Louis, MS
Chief - Fire Protection
Chief paid fire department. Responsible for site
fire protection and emergency planning.
- 1957 to 1965 General Electric Company, AEC St. Petersburg, FL
Specialist - Accident & Fire Prev.
Plant safety, fire and emergency planning.
- 1954 to 1956 Lansing B. Warner, Inc., Chicago. IL
Assistant Manager Engineering Dept.
Highly protected risks and trained inspectors.

PROFESSIONAL SOCIETIES

American Society of Safety Engineers FELLOW & PM

Society of Fire Protection Engineers Member

American Society For Engineering Education

American Society for Training & Development

Western Society of Engineers

American Society of Association Executives

286

WAYNE C. CHRISTENSEN, CSP
CERTIFIED SAFETY PROFESSIONAL
ACCIDENT PREVENTION CONSULTANT

June 6, 1997

Mr. Jim Olivere
Vice President
Delmar Designs
1105 E. Discovery Lane
Anaheim, CA 92801

Subject: Gables Wrought Iron Spring Rocker Code #213401-110

Dear Jim,

Information on the Gables rocker was received on May 27. We discussed the need for a label on the box on May 27, and you authorized me to proceed on May 28. The label was completed and submitted to you on June 2.

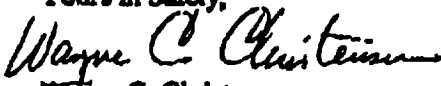
On May 28, the K Mart store in Crystal Lake, IL, was visited to view the Rocker. Store officials were contacted to permit study of assembled units carefully and to view boxed units in the storage area. They were very cooperative.

Assembly instructions provided with the rockers and the draft you provided of potential additional items for a box label were studied. After reviewing four store chairs carefully, disassembly and assembly in different manners, it was determined that there were ways to identify if rockers were correctly or incorrectly assembled. The two ways indicating correct assembly were if the head of bolt A was flush with the welded nut, and if the spring rocker shaft was flush with the inside wall of the tube. If there was space in either case assembly was improper.

In preparing the label, it was determined the word 'WARNING' should be used because of the more serious nature of injuries that could occur. A Pictogram was considered, but it appeared that use might create misconceptions and was not included. The label was prepared using terminology consistent with instructions inside the box. Label wording is in 14 point type to assure greater readability.

Descriptions were prepared to indicate recognition of a Rocker that was correctly assembled AND also, if assembly was improper. Sketches to reflect terminology and reemphasize recognition points for correct and improper assembly are included on the label.

Yours in Safety,


Wayne C. Christensen

287

FAX # 815-455-3270

P.O. BOX 303 • CRYSTAL LAKE, IL 60039-0303 • PHONE (815) 455-7328

Chronological account of complaints and events leading to report:

There have been 64 incidents reported to date (July 8, 1997).

February 19, 1997 - Customer Chris Yaden, was trying out a Gables chair at Kmart store # 3941, Russell Springs, KY when the chair gave way, causing him to fall. He alleges injury to his back and shoulder pain.

February 23, 1997 - At Kmart #3014, Phoenix, AZ, Customer Gloria Mavis sat on a chair. The chair was not secure causing the chair to come loose. Customer fell injuring her lower back.

February 24, 1997 - Customer Frankie Perry fell at Kmart store # 4311, Brandon, FL when the chair he was trying fell apart. Customer pinched his outer thigh. Customer experienced pain in his back and pinched his thigh.

February 26, 1997 - At Kmart #4873, Camden, SC, Customer Renay Jenkins sat in a display patio chair which came loose and she fell backwards. Customer injured her leg when the chair tipped over.

March 9, 1997 - While sitting in a chair at Kmart #7407, Monroe, NC, the chair separated from the back and Customer Betty Merritt fell to the floor bruising her hip and injuring her left side.

March 15, 1997 - Customer Linda Evans was sitting in a patio chair at Kmart #9590, Jacksonville, AR, which collapsed causing her to fall. Customer poked her left side and pain to her back.

March 18, 1997 - Customer Judith Little sat down on a patio chair at Kmart #7710, Branson, MO and the chair stabbed her in the back (side). Customer indicated that she was okay.

*

March 25, 1997 - Customer Audrey Sciortin sat in the Gables chair at Kmart store #4227, Niles, IL and the chair fell apart, causing her to slide from the chair. She refused medical treatment, however, states that she received injury to her back and left side.

March 28, 1997 - Customer Diana Hughes sat in a patio chair at Kmart #7261, Des Moines, IA, and the back of the chair fell apart causing her to fall on the floor. Customer indicated her left hip was hurting.

March 28, 1997 - Customer Ron Inman sat in a patio chair at Kmart #3294, Greensboro, NC, and the chair broke when he leaned back. Customer possibly injured his back.

March 28, 1997 - Customer Connie Saggan sat in a patio chair at Kmart #7261, Des Moines, IA, and a couple of the bolts fell out causing the chair to break underneath her. Customer indicated her back was hurting.

April 7, 1997 - Customer Barbra Everly sat in a display chair at Kmart #4196, Indianapolis, IN, and the chair collapsed. Customer injured her ribs, back, and her arm was pinched between the seat and chair arm.

April 7, 1997 - While sitting in a chair at Kmart #7717, Waynesboro, VA, the chair collapsed and Customer Debra Camden fell to the floor hitting her head on the end of a patio canopy swing. Customer received a knot on the back of her head.

258

April 9, 1997 - Customer Rosemary Bethea, at Kmart store #3431, Colma, CA was trying out a Gables patio chair when she leaned back, the chair collapsed. Customer hit her leg on the bottom of the chair and may have possibly bruised her leg.

April 11, 1997 - At Kmart #3053, Pleasant Hill, CA, Customer Cathy McGuigan sat on a patio chair and the chair became detached from the right hinge causing the customer to fall. The Customer was poked in the right rib and was bruised.

April 13, 1997 - At Kmart #7569, Anchorage, AK, Customer Karen Melven sat in a patio chair which came apart causing her to fall backwards. Customer caught herself with one arm on the floor. Customer did not experience any visible injuries.

April 13, 1997- Customer John Wiatr, at Kmart store #9528, Kingman, AZ sat on a patio chair which gave way causing the customer to fall. He experienced a scratch on his right hand and injury to his left hip.

April 16, 1997 - Customer Pauline Smith sat in a patio chair at Kmart #4093, Madison, TN, and the chair collapsed. The arm of the chair hit her left side below her waist and her left shoulder hit the chair. Customer received no visible injuries.

April 18, 1997 - At Kmart store # 3590, Englewood, FL, Customer Doris Zuckerman fell when the chair collapsed, causing a laceration of her right little finger.

April 20, 1997 - While Customer Pamela McDonald was sitting on a patio chair at Kmart #4471, Fort Collins, CO, the chair tipped over causing her to hit her head on a wooden glider and the floor. Customer experienced a bump on her head.

April 24, 1997 - At Kmart #3976, Virginia Beach, VA, Gail Elliot sat in a display chair which fell aprt. Customer fell to floor and injured back.

April 25, 1997 - At Kmart #3905, Bainbridge, GA, Customer Floy Devries sat in a patio chair and it collapsed. Customer experienced injury to her hip.

April 28, 1997 - Customer Vera Evaldsons sat on a display chair at Kmart #4227, Niles, IL and fell, causing injury to her back and head.

April 28, 1997 - At Kmart #7607, Hopkinsville, KY, Customer Wanda Redd sat in a patio chair which fell,. Customer stated that her left pinkie finger was pinched. Called store later claiming that she had suffered back and wrist injuries.

May 2, 1997 - Customer Jackie Tucker sat in and chair at Kmart #4141, W. Columbia, SC, and the chair collapsed. Customer hurt right arm, back and back of her head.

May 2, 1997 - Customer Rush Bonburand sat in a display chair in the garden center at Kmart #4950, Winston-Salem, NC when the arm broke scratching the customer on his stomach.

May 3, 1997 - Customer Bonnie Miner sat in a patio chair at Kmart #9163, Pontiac, IL, and the chair came apart causing the customer to fall to the floor. She hurt her left hip.

May 4, 1997 - At Kmart #3022, Bristol, TN, Customer Carolyn Perrigan was sitting in a rocker and it collapsed. Left side and left palm were red.

289

Mav 5, 1997 - Customer Betty Guenther sat on a patio chair at Kmart #4921, Valdosta, GA, the chair came apart causing the customer to fall to the floor. Customer experienced injury to the right side of her body - scraped side, bruised elbow and hip.

Mav 5, 1997 - While at Kmart #4077, Lexington, KY Customer Mary Anne Sturm sat in a patio chair which collapsed. Customer scraped her elbow and hooked her right side.

Mav 6, 1997 - Customer Kathy Gaddis sat in a patio chair at Kmart #3700, Meridian, MS and the chair broke. Details regarding any injuries are unknown.

Mav 7, 1997 - Customer David Spear sat in a display patio chair at Kmart #4911, Tucson, AZ, and the chair collapsed. Customer experienced scrape on the left elbow.

Mav 9, 1997 - Customer Bette Sue Shapiro sat in a display chair at Kmart #4911, Tucson, AZ and the chair collapsed. She experienced stiffness to her side.

Mav 10, 1997 - Customer Barbara Kluge sat on a display chair at Kmart #3270, Bremerton, WA and the chair collapsed beneath her. She did not experience any visible injuries.

Mav 10, 1997 - Customer James Peek sat in a display chair at Kmart #7473, Lake Zurich, IL, and the he fell backwards due to the fact the seat was not securely attached. Customer hurt his back and scraped his arm.

Mav 10, 1997 - At Kmart #3336, Richmond, VA, Customer Charlotte Jacknin was sitting in a patio chair which collapsed. Customer caught her right thumb and crushed it.

Mav 11, 1997 - Customer John Hammel sat in a patio chair at Kmart #4921, Valdosta, GA and the chair broke in half. Customer indicated that his back hurt.

Mav 11, 1997 - Customer Bill Traister sat in a patio chair at Kmart #7710, Branson, MO and the chair broke causing the customer to hit his head.

Mav 12, 1997 - At Kmart #3657, Mount Dora, FL, Customer Wayne Thul sat in a Gables chair and it collapsed. Customer experienced injuries to his right elbow, right hip, right wrist, right shoulder, and scrapped the right side of his stomach.

Mav 14, 1997 - Customer Harold Taylor sat in a patio chair at Kmart #4480, Renton, WA. The chair fell apart causing the customer to fall on the floor. No pain or injuries at the time of the accident.

Mav 17, 1997 - At Kmart #9693, Marine City, MI, Customer Benjamin Hosford sat down in a chair and it collapsed causing him to fall to the floor. Customer injured hip (previous disk ailment - disabled).

Mav 18, 1997 - At Kmart #7183, Athens, GA, Customer Michael Payne sat in a patio chair and it collapsed. Customer stated that he had back and head pain.

Mav 22, 1997 - Customer James Loughner sat in a patio chair at Kmart #7274, Maudlin, SC, the back of the chair separated from the seat causing the Customer to fall. Customer received a scrape to the left side of his stomach.

Mav 18, 1997 - At Kmart #3625, Aiken, SC, Customer Susan Cole sat in a patio chair and it collapsed. Customer received a bump on the back of her head and scratched her left elbow.

290

May 22, 1997 - Customer Betty Snyder sat in a patio chair at Kmart #3177, West Lafayette, IN, and the arm of the chair broke causing the Customer to fall backwards. Customer received a bump on the back of her head.

May 23, 1997 - Customer Carol LeFleur sat in a display patio chair at Kmart #3126, Utica, MI, and the chair collapsed. Customer indicated her back was sore.

May 23, 1997 - Customer Jeff Bernstrom sat in a patio chair at Kmart #3045, New Hope, MN, and the chair collapsed. Customer indicated his back hurt from an earlier incident.

May 23, 1997 - Customer Steve Whitwill sat in a display patio chair at Kmart #4721, Coalinga, CA and the chair collapsed. Customer experienced bruise on left wrist, bump on head, and scrape on the right elbow.

May 24, 1997 - Customer Justina Harrigan sat in a display patio chair at Kmart #7285 and fell backwards off the chair. Customer claimed that both of her legs were cramping.

May 24, 1997 - Customer Barbara Achord sat in a patio chair at Kmart #3967, Dublin, GA, and the chair fell apart causing the customer to fall to the floor. Customer experienced injury to her lower back.

May 24, 1997 - While at Kmart #9569, Conyers, GA, Customer Mary DeLuca was sitting in a patio chair which collapsed. Customer indicated her right arm, left thigh, and left ankle were sore.

May 26, 1997 - Customer Teri Hilley sat in a patio chair at Kmart #9569, Conyers, GA, and the chair collapsed. Customer experienced bruise under ribs.

May 27, 1997 - Customer John Saunders sat in a display patio chair at Kmart #4270, St. Louis, MO and the chair collapsed. Customer experienced pain and redness to left side of back.

May 30, 1997 - Customer Eddie Burr sat on a patio chair at Kmart #9523, Rockingham, NC and it flipped over. Injury indicated as Customer's arm was red.

June 9, 1997 - Customer Etta Moseley sat in a patio chair at Kmart #4716, Rocky Mount, NC, and the chair collapsed. Customer bruised left arm and elbow and experienced pain to her back and hip.

June 10, 1997 - Customer Fred Bush sat on a patio chair at Kmart #4865, North Augusta, SC and the chair fell apart causing the Customer to fall backwards hitting his back and left leg on the floor. The Customer also hit his arm on a nearby chair.

June 13, 1997 - Customer John Bastien sat in a patio chair at Kmart #3262, Roseville, MI and the chair collapsed. Customer scratched and bruised the left side of his waist.

June 13, 1997 - Customer Barbra Kelly purchased a Gables 5 piece patio set at Kmart #7646, Marysville, OH, while sitting on a chair at home, it came apart. Customer hit her head.

June 21, 1997 - Customer Annie Copeland sat in a patio chair at Kmart #7388, Columbus, GA, and the chair collapsed. Customer injured left arm and left side.

June 22, 1997 - Customer Arlon Miller sat in a patio chair at Kmart #3808, Statesville, NC, the chair was not secure and he fell back hitting his head on a grill. Customer received three stitches to the back of his head.

291

June 22, 1997 - Customer Josephine Jordan sat in a patio chair on display at Kmart #3290, Columbus, OH and the chair fell out from under her. Customer experienced pain to her right arm right side, right leg, hip and back.

June 25, 1997 - Customer Charles Pozeck sat in a patio chair at Kmart #7333, Tampa, FL, and the chair collapsed causing the customer to fall backwards. Customer injured his chest and back.

June 28, 1997 - Customer Charlie King sat in a chair at Kmart #7434, Duluth, GA, and the back of the chair separated from the chair causing the customer to fall. Customer experienced soreness and contusion to lower back and pelvic area.

July 1, 1997 - Customer Michael Hawkins sat in a patio chair at Kmart #7434, Duluth, GA, and the chair collapsed causing the customer to fall hitting his head on another chair. The customer received a bump to his head.

292

CONSUMER PRODUCT INCIDENT REPORT

Region: CENTRAL

1. NAME OF RESPONDENT
Pat Hernandez

2. PHONE NO. (HOME) (WORK)
913-648-0060 913-681-3555

3. STREET ADDRESS
8113 Antioch

MFR/PRVLR NOTIFIED

No Comments made

Comments attached

Excisions/Revisions

Firm has not requested

further notice

4. CITY
Overland Park

STATE ZIP CODE
KS 66204

4a. E-MAIL ADDRESS
qhr@swbell.net

5. DESCRIBE INCIDENT OR HAZARD, INCLUDING DATA ON INJURIES
Respondent believes chair is under CAP, NR#98-022. Incident occurred at dealer and respondent didn't purchase the chair.
-cont-

6. DATE OF INCIDENTS 4/13/97
7. IF INJURY OR NEAR MISS OBTAIN AGE/SEX AND DESCRIBE INJURY: 50 Y/F fingertip of left middle finger was amputated
8. IF VICTIM DIFFERENT FROM RESPONDENT, PROVIDE NAME self
RELATIONSHIP self

9. DESCRIPTION OF PRODUCT
folding aluminum & vinyl outdoor lawn chair
10. BRAND NAME
Kmart Sling Garden Chair

11. MFR/DISTRIBUTOR NAME, ADDR. & PHONE
unknown, made in China
unknown
unknown
unknown
unknown
12. MODEL, SERIAL NUMBERS
M# & color: unknown
13. DEALER'S NAME, ADDRESS & PHONE
Kmart
8703 W. 63rd St.
Shawnee Mission, KS 00000
913-236-6205

AUG 3 1998

14. WAS THE PRODUCT DAMAGED, REPAIRED OR MODIFIED? YES x NO IF YES, BEFORE OR AFTER THE INCIDENT? after DESCRIBE: damaged: see narrative
15. PRODUCT PURCHASED NEW x USED AGE N/A
16. DOES PRODUCT HAVE WARNING LABELS? IF SO, NOTE: unknown

17. HAVE YOU CONTACTED THE MANUFACTURER? YES NO x
IF NOT, DO YOU PLAN TO CONTACT THEM? YES NO x OTHER? unknown if dealer still has chair
18. IS THE PRODUCT STILL AVAILABLE? YES NO x
IF NOT, ITS DISPOSITION
19. MAY WE USE YOUR NAME WITH THIS REPORT? YES x NO

20. DATE RECEIVED
07/30/98
21. FOR ADMINISTRATION USE RECEIVED BY (NAME & OFFICE)
ldm/HL
22. DOCUMENT NO.
H9870300A
23. FOLLOW-UP ACTION
24. PRODUCT CODE(S)
4016
25. DISTRIBUTION
26. ENDORSER'S NAME & TITLE
LDM 7/31/1998

CONSUMER PRODUCT INCIDENT REPORT

H9870300A

Narrative Continued

195 lb., 5'6" tall, respondent was trying out chair while at dealer when it abruptly folded up with consumer in it. The fingertip of consumer's left middle finger got caught between chair's left arm and left leg as the chair folded up and her fingertip was amputated. Consumer was rushed to the Columbia Medical Center-ER (now called Overland Park Regional Center Hospital) where her fingertip was surgically reattached, but it didn't take. Consumer's fingernail grew back, but her fingertip is deformed and consumer has no feeling in the remaining portion of her fingertip.

A couple of days later, husband went back to dealer, discussed incident with employee(s) at dealer (name(s) unknown), who refused to let him see the incident chair and all identical chairs were no longer being sold at dealer. Husband filed an incident report with dealer. Respondent has a lawyer and is requesting that dealer pay a \$70,000 settlement for her medical bills and pain and suffering. Respondent's lawyer is waiting for a response from dealer's legal department.

CPSC Source: MAG

If you have any changes, additions, or comments you wish to make concerning your attached report, please make them in the space below.

I confirm that the information in the attached report (including any changes, additions, or comments I have made) is accurate to the best of my knowledge and belief.

Patricia A. Hernandez Aug. 12, 1998
Signature Date

+--+
| |
+--+

I request that you do not release my name.

+--+
| |
+--+

You may release my name to the manufacturer but I request that you not release it to the general public.

+--+
X
+--+

You may release my name to the manufacturer and to the public.

I-45